

Application No: N/99/00829/FUL

Date Registered: 26 June 1999

APPLICANT: MERCURY ONE 2 ONE
IMPERIAL PLACE
BOREHAMWOOD
WD6 1EA

Agent: A.P.T.
Unit 64
Sir James Clark Building
Abbey Mill Business Centre
Paisley

DEVELOPMENT: THE ERECTION OF A 15 METRE TELECOMMUNICATIONS
MAST WITH ANTENNA, CABIN AND COMPOUND
LOCATION: DRUMGLASS FARM, CROY.

Ward No: 64
Grid Reference: 272427 675558
File Reference: MT

Site History:

Development Plan: Kilsyth Local Plan 1983
Policy E.1- Green Belt
Kilsyth Local Plan (Finalised Draft) 1996
Policy GB 2 -Greenbelt
Policy CF 11 -Telecommunications

Contrary to Development Plan: No

CONSULTATIONS:

Objection:
No Objection: Health and Safety Executive, National Radiological Protection Board
Conditions:
No Reply:

REPRESENTATIONS:

Neighbours: 25 letters of representation including one from Andrew Wilson MSP and one from Councillor Francis Griffin.
Newspaper Advert: No

COMMENTS:

The application under consideration proposes the erection of a monopole telecommunications mast and associated works adjacent to Drumglass Farm, Croy.

Within the Kilsyth Local Plan the application site lies within the designated greenbelt. The policy wording however dates from 1983 and as such makes no explicit reference to telecommunications apparatus. The policy presumes against any development not in the interests of agriculture forestry or outdoor recreation. The site is located within the greenbelt in the replacement local plan, the finalised draft of the Kilsyth Local Plan 1996. The greenbelt policy in this case maintains a presumption against new development but recognises



PROPOSED SITE

Croy

Croy Quarry

BATHSTONE

Produced by
 Planning and Development Department
 Northern Division
 Bron Way
 CUMBERNAULD
 G67 1DZ
 Telephone 01236 3616400 Fax. 01236 616420
 OS Licence LA 09041L

N/99/00829/FUL
 MERCURY ONE TO ONE
 TELECOMMUNICATIONS MONOPOLE, ANTIENNA AND COMPOUND
 DRUMGLASS FARM CROY
 ★ 23 OBJECTORS WITHIN THE CROY AREA
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telecommunications as an exception where a need for a greenbelt location can be demonstrated. Such proposals must also meet the criteria in policy CF 11 which include demonstrating that there are: i) no more satisfactory alternative sites available; ii) there is no reasonable possibility of sharing facilities; and iii) there is no reasonable possibility of erecting antennae on an existing building or other structure. In all cases developments should be sited and designed so as to minimise visual impact, subject to technical and operational considerations.

In this instance the applicant has confirmed that i) Drumglass Farm represents the most satisfactory location due to its height advantage; ii) that there are no other masts within the coverage area which could be used for sharing; and iii) that there was no reasonable possibility of erecting the antenna on existing buildings or other structures.

The proposal is therefore considered to satisfy the criteria listed within policy CF 11 and there is therefore a presumption in favour of the development. The policy also requires that the development is sited to minimise visual impact. The design of the mast together with its siting adjacent to the steading should help to ensure that any intrusion is minimised. In addition, the fencing and compound can be screened with landscaping which should obscure all but the uppermost parts of the mast from the residential properties within Taggart Road. The further requirement on minimising impact can therefore be satisfied.

A significant number of representations has been received in respect of the proposal. The objections refer to two issues. Firstly possible health concerns and secondly, the possible adverse landscape/environmental impact. The question of public safety is the subject of regulation under other statutory powers and other than in the most exceptional circumstances there is no reason for planning authorities to take such issues into account. There is no indication that such circumstances exist in this case.

The concern regarding landscape impact has been addressed above. The main issue to be assessed is whether the application accords with local plan policy. In this instance the application is in accordance with local plan policy.

All in all the development as proposed is acceptable and accordingly permission should be granted.

RECOMMENDATION: Grant subject to the following condition:-

1. That the development hereby permitted shall be started within five years of the date of this permission.

Reason: To accord with the provision of the Town and Country Planning (Scotland) Act 1997.

2. That before the development starts, full details and/or samples of external materials to be used on the development hereby approved (i.e. the mast, antennae, microwave dish, fence and equipment cabin) shall be submitted to, and approved by, the Planning Authority.

Reason: To allow the proper consideration of these details.

3. That before the development of the site commences, a scheme of landscaping for the area shown in green shall be submitted to and approved by the Planning Authority ; the scheme shall include:-
- a) details of a scheme of earth moulding and hard landscaping, grass seeding and turfing;
 - b) a scheme of tree and shrub planting, incorporating details of the number, variety and size of trees and shrubs to be planted;
 - c) details of the phasing of these works;

Reason: In order that the visual impact of the proposal is minimised as far as practicable.

4. That prior to the development hereby permitted being brought into use, all planting, seeding, turfing and earth moulding included in the schemes of landscaping and planting, approved under the terms of condition 3 above, shall be completed and any trees, shrubs, or areas of grass which die, are removed, damaged, or diseased, within 5 years of the completion of the development, shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that the landscaping works are undertaken timeously thereby minimising the impact of the proposal upon the greenbelt.

5. That before the development starts, details of the surface finish of the access road within the area shown in blue on the approved plan shall be submitted to and approved by the Planning Authority.

Reason: To allow consideration of these details and to ensure that the materials maintain the quality of the greenbelt..

6. That the applicant shall ensure that there is no increase in the existing background noise level at the nearest dwellings from (a) fixed plant and equipment associated with the completed development, and, (b) within the completed development

Reason : To protect occupants of nearby housing from noise and disturbance thereby ensuring that the development does not detract from established levels of residential amenity.

7. That notwithstanding the requirements of condition 6 above, before development starts a scheme for protecting nearby dwellings from stationary noise sources associated with the development hereby approved shall be submitted to, and approved by, the Council as Planning Authority. Any works which form part of the scheme shall be completed before the development is brought into use and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: To protect occupants of nearby housing from noise and disturbance thereby ensuring that the development does not detract from established levels of residential amenity.

Background Papers:

Application Form and Plans

Kilsyth Local Plan 1983.

Kilsyth Local Plan Finalised Draft 1996.

Letters of representations - See Appendix.

Any person wishing to inspect these documents should contact Moray Thomson at 01236 616463.

APPLICATION NO. N/99/00829/FUL

1.0 PROPOSAL AND SITE

- 1.1 The application under consideration proposes the erection of a 15 metre high telecommunications mast with antennae and associated equipment including microwave dishes and a compound on land adjacent to Drumglass Farm, Croy.
- 1.2 The Kilsyth Local Plan 1983 remains, for the present, the adopted local plan. The application site is located within the designated green belt at this location. The wording of Policy E1 is clear and presumes against development not falling within one of the limited exceptions which are deemed to be appropriate within the greenbelt. The policy however pre-dates the growth in telecommunications equipment and was adopted before the current government guidance was issued on the subject. Its relevance to the determination of the current application is therefore limited.
- 1.3 The Kilsyth Local Plan (Finalised Draft) of 1996 maintains the greenbelt designation for the site. The policy in this case maintains a presumption against new development but recognises telecommunications as an exception. Within the Kilsyth Local Plan the application site lies within the designated greenbelt. The policy wording however dates from 1983 and as such makes no explicit reference to telecommunications apparatus. The policy presumes against any development not in the interests of agriculture forestry or outdoor recreation. The site is located within the greenbelt in the replacement local plan, the finalised draft of the Kilsyth Local Plan. The greenbelt policy in this case maintains a presumption against new development but recognises telecommunications as an exception where a need for a greenbelt location can be demonstrated.
- 1.4 Such proposals must also meet the criteria in policy CF 11 which include demonstrating that there are: i) no more satisfactory alternative sites available; ii) there is no reasonable possibility of sharing facilities; and iii) there is no reasonable possibility of erecting antennae on an existing building or other structure. In all cases developments should be sited and designed so as to minimise visual impact, subject to technical and operational considerations.
- 1.5 The terms of N.P.P.G. 1- The Planning System states that "determinations on individual planning applications should be made on planning grounds. Planning powers should not normally be used to secure objectives which can be achieved under other legislation."
- 1.6 Also relevant to telecommunication equipment is Scottish Office Circular 25/1985. This clearly states that it is government policy to facilitate the growth of telecommunications and that the planning system should encourage and not hinder the development of new telecommunications systems. The Circular explicitly states in respect of the health issues raised by telecommunications that the radiated power output of radio installations is subject to stringent health and safety limits.
- 1.7 In December 1998 the Scottish Office issued a draft consultation document on Land Use Planning and Electro Magnetic Fields(EMF's). This document gave guidance to planning authorities on drawing up development plan policies, determining planning applications for development giving rise to EMF's(such as telecommunications masts) and development proposed in the vicinity of EMF's.

2.0 CONSULTATIONS AND REPRESENTATIONS

2.1 Summaries of consultation responses are as follows:-

Councillor Frances Griffin: Objection.

Environmental Services: No objections.

Health and Safety Executive No observations.

National Radiological Protection Board (NRPB) :No specific comments regarding the application but general NRPB information in respect of transmitters for mobile telephones was enclosed. The information advises that the NRPB Advisory Group has reviewed research into a possible association between exposure to electro-magnetic fields, including radio waves and cancer. It concluded that the current evidence for such an association is weak and no persuasive biological mechanism has been established for such an effect.

Leisure Services : No response

Croy Community Council :Strong objections on both health and environmental grounds. Many local authorities have adopted precautionary approaches on the siting of masts based on the advice of all relevant agencies and not solely the National Radiological Protection Board. The NRPB ignores much research which has been undertaken by leading scientists and a precautionary approach in this case is appropriate as there is no guarantee that there is no risk to health. To approve the application would result in the housing estate being sandwiched between two electro-magnetic fields, the other being created by the electricity pylon. The mast would be erected adjacent to a right of way and is environmentally unacceptable..

2.2 A number of representations have been submitted in respect of the proposals all of which contain objections to the proposal. In total 21 individual letters have been received all of which are identical in content to that submitted by the Community Council.

2.3 The objections are made on the following grounds:-

- 1) Concern that the proposal will give rise to health dangers such as leukaemia
- 2) Although there is no concrete proof that these transmitters cause cancer, there is enough evidence to convince many Local Authorities to adopt a precautionary approach to the siting of further masts.
- 3) Recent research suggests that there are health risks associated with masts and a precautionary approach should be adopted as there is no guarantee that there is no risk.
- 4) The mast is to be located next to a right of way and is environmentally unacceptable intrusion in the greenbelt.

2.4 Comments upon the objections are as follows:

1) Although all of the letters of objection refer to health fears, it nonetheless remains the position that these matters are covered by separate legislation and the National Radiological Protection Board is the Government's statutory advisor on radiological protection. The NRPB require mast operators to comply with agreed standards. The Board has stated that there is no firm evidence that electromagnetic fields cause cancer. Guidance with regard to telecommunications planning policy with regard to health and safety matters is contained in the Scottish Development Department Circular 25/1985. This states that the radiated output from base stations such as that under consideration, is subject subject to stringent safety limits and is well within internationally accepted standards. Consequently, other than in the most exceptional circumstances, there is no reason for planning authorities to take such issues into account. There is no suggestion from the terms of the consultation response from the NRPB that exceptional circumstances exist in this case.

2) The decision by many authorities including North Lanarkshire not to enter into further leases with telecommunications operators, represents a policy decision as landowner. It does not represent a blanket ban on such equipment. Such an approach would in fact be unlawful denying as it would the opportunity for applicants to have their proposals considered on their individual planning merits. Any decision by North Lanarkshire Council as a landowner must be seen as such and not confused with its obligations as planning authority.

3) There is currently a perception amongst sections of the general public that there are certain health issues associated with the proposals for telecommunications masts and their associated electro-magnetic fields. Strictly speaking, health considerations in cases such as this are matters outwith the scope of planning control and should be dealt with by the Health and Safety Executive. The National Radiological Protection Board (NRPB) is the Government's Statutory advisor on radiological protection matters. It sets out the guidance on limiting exposure to Electro-magnetic Fields (EMF's) current advice is that so long as the guidelines are adhered to there is no proven risk to health from such developments. However recent draft guidance indicates that public perception of danger can be a valid planning consideration when assessing proposals for this type of development although it has to be weighed against other land-use considerations.

4) While there is no formally recognised right of way in the vicinity of the mast, a path, the location of which has not been identified, is said to exist adjacent to the site. The overall height of the mast is such that it would be visible from a number of public viewpoints. However, the issue to be addressed is whether the structure materially affects the character of the greenbelt in which it is sited, the enjoyment of any footpath or amenity of residential properties to the south east of the site.

Local Plan policy provides the basis against which any proposal will be assessed. This necessarily includes balancing technical requirements of the operators and minimising visual intrusion and landscape impact. In this case the proposal occupies a greenbelt location however, in terms of draft local plan policy, telecommunications equipment is recognised as an appropriate greenbelt use subject to criteria being satisfied. In this case the criteria have been satisfied and as such the proposal is not contrary to greenbelt policy or at odds with its objectives. The siting of the mast and compound adjacent to the farm will mitigate its visual impact, the compound and cabin will for example be seen in the context of the steading and its existing grouping of buildings. The impact could be further mitigated if the land adjacent to the compound was subject to a landscaping scheme. Landscaping works would also help to soften the appearance of the structure and make it less obtrusive. It is acknowledged that for anyone walking adjacent to it the structure will remain visible, however a survey of the vicinity of the site failed to reveal evidence of any public footpath adjacent to the site. In view of its height, the mast itself will be visible from within the residential area to the south east however the extent of any intrusion is significantly limited by the distance from the structure. The "slim line" profile of the mast and its location will mitigate its impact and ensure that it does not have a significantly detrimental effect on the amenity of residential properties, which are located some distance to the south east. The draft local plan identifies a housing site to the north of Taggart Road which also provides views of the structure, however the impact of the structure is considered acceptable.

3.0 DISCUSSION AND CONCLUSION

3.1 It is considered that the proposals under consideration are in accordance with policy within the Kilsyth Local Plan (Finalised Draft).

3.2 The Kilsyth Local Plan (Finalised Draft) maintains a presumption against new developments within the designated greenbelt however the policy recognises telecommunications as an exception. Such proposals must also meet the criteria in Policy CF 11 which include demonstrating that there are: i) no more satisfactory alternative sites available; ii) there is no reasonable possibility of sharing facilities; and iii) there is no reasonable possibility of erecting antennae on an existing building or other structure. In all cases developments should be sited and designed so as to minimise visual impact, subject to technical and operational considerations.

3.3 In this instance the applicant has confirmed that i) Drumglass Farm represents the most satisfactory location due to its height advantage; ii) that there are no other masts within the coverage area which could be used for sharing; and iii) that there was no reasonable possibility of erecting the antenna on existing buildings or other structures.

- 3.4 The proposal is therefore considered to satisfy the criteria listed within policy CF 11 and there is therefore a presumption in favour of the development. The policy also requires that the development is sited to minimise visual impact. The design of the mast together with its siting adjacent to the steading should help to ensure that any intrusion is minimised. In addition, the fencing and compound can be screened with landscaping which should obscure all but the uppermost parts of the mast from the residential properties within Taggart Road. The further policy requirement on minimising impact can therefore be satisfied.
- 3.5 The representations received referring to health and safety implications demonstrate a significant public perception of danger associated with the proposal, however the weight that can be attached to this must reflect the government guidance which has been issued to planning authorities. This guidance states that there is no reason for planning authorities to take such issues into account except in exceptional circumstances. No exceptional circumstances have been identified in this case.
- 3.6 It is considered therefore that the public perception of danger associated with the proposal does not outweigh the land use considerations and that the permission should be granted subject to the conditions attached.
- 3.5 The development as proposed is acceptable and notwithstanding the terms of the representations considered above, it is recommended that permission should be granted subject to the conditions attached.

LETTERS OF REPRESENTATION RECEIVED FROM:-

APPENDIX

Andrew Wilson MSP	
Councillor Francis Griffin	
Mr. James McIntyre	41 Taggart Road Croy
Mr. & Mrs. Hugh Campbell	9 Charleson Row Croy
Mr. & Mrs. Henry Mooney	10 Old Mill View Croy
Mr. & Mrs. Edward McBride	35 Taggart Road Croy
The Occupier	10 Barbegs Crescent Croy
Mr. & Mrs. Francis Taggart	1 Charleson Row Croy
Mrs. M. Durick	4 Charleson Row Croy
Croy Community Council	c/o 73 Constarry Road Croy
Mr. & Mrs. Cullen	9 Taggart Road, Croy
Patrick McCann	8 Weldon Place Croy
James McLaren	10 Welcon Place Croy
Hilda McLaren	10 Weldon Place Croy
Matthew Currie	19 Taggart Road Croy
Marion Kerr	21 Taggart Road Croy
Caroline Doherty	29 Taggart Road Croy
Mary Mulholland	31 Taggart Road Croy
Kathleen Livingston	25 Taggart Road Croy
John Nash	27 Taggart Road Croy
Janice & Robert O'Donnell	11 Taggart Road Croy
Thomas McCann	15 Taggart Road Croy
Mr. & Mrs. P. Robertson	37 Taggart Road Croy
The Occupier	8 Old Mill View Croy
Mr. Thomas Rafferty	Croy